

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

STEVEN FLOREZ,)	
)	
Petitioner,)	
vs.)	NO. CIV-07-0763-HE
)	
JOSEPH SCIBANA, Warden,)	
)	
Respondent.)	

ORDER


Petitioner Steven Florez, a pro se federal prisoner, has filed a “Petition for Writ of Habeas Corpus Ad Subjiciendum” pursuant to 28 U.S.C. § 2241. Pursuant to 28 U.S.C. § 636(b)(1)(B), this matter was referred to Magistrate Judge Gary M. Purcell, who recommended that the petition be dismissed without prejudice to the filing of a 28 U.S.C. § 2255 motion in the proper court.

Petitioner has failed to object to the Report and Recommendation and, therefore, has waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1); LCvR 72.1. The court has also considered the merits of the motion and substantially concurs with the Magistrate Judge’s analysis.

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. #10] and **DISMISSES** the petition for writ of habeas corpus without prejudice to the filing of a 28 U.S.C. § 2255 motion in the proper court.

IT IS SO ORDERED.

Dated this 21st day of September, 2007.



JOE HEATON
UNITED STATES DISTRICT JUDGE